

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

SEGUNDO PASTOR LOPEZ VILLERREAL

PETITIONER

V.

CIVIL ACTION NO. 3:23-CV-3151-KHJ-MTP

ACTING WARDEN L. PING

RESPONDENT

ORDER

Before the Court is the [11] Report and Recommendation of United States Magistrate Judge Michael T. Parker. The Report recommends dismissing as moot pro se Petitioner Segundo Pastor Lopez Villerreal's [1] Petition for Writ of Habeas Corpus. The Court adopts the Report and dismisses the Petition without prejudice.

Petitioner filed this habeas action in December 2023. [1] at 1. At that time, he was incarcerated in a federal prison. *See id.* His Petition argued that he had earned First Step Act time credits, which the Bureau of Prisons had not applied to his sentence. *See id.* at 2. He submitted: "If his [time credits] were applied to his supervised release, the Petitioner would be released to ICE custody." *Id.* at 7.

In April 2024, Respondent requested that the Court dismiss the Petition as moot. Resp. [10] at 1–2. Respondent explained that "Villerreal was released by the prison to ICE custody," so he had "already obtained his requested relief." *Id.* at 2; *see also* Landers Decl. [10-1] ¶ 5.

The Report accordingly recommends dismissing the Petition as moot. *See* [11] at 1–3. The Report notified Petitioner that failure to file written objections would bar further appeal in accordance with 28 U.S.C. § 636. *See id.* at 3.

When no party objects to a Magistrate Judge’s report, the Court need not review it de novo. *See* 28 U.S.C. § 636(b)(1). Instead, the Court can apply the clearly erroneous, abuse-of-discretion, and contrary-to-law standard of review. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989) (per curiam).

Petitioner did not object to the Report, and the time to do so has passed. The Court finds that the Report is not clearly erroneous or contrary to law. So the Court adopts the Report as the opinion of this Court.

The Court has considered all arguments. Those not addressed would not have changed the outcome. For the stated reasons, the Court ADOPTS the [11] Report and Recommendation of United States Magistrate Judge Michael T. Parker; and DISMISSES the [1] Petition for Writ of Habeas Corpus without prejudice as moot. The Court will issue a separate final judgment consistent with this Order.

SO ORDERED, this 4th day of June, 2024.

s/ Kristi H. Johnson
UNITED STATES DISTRICT JUDGE